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COMMENTS

RE: SYSTEM AND METHOD FOR AUTOMATED END-USER SUPPORT
  APPLICATION NO.: 09/944,676
  INVENTOR: BURGIN, ET AL.
  FILED: AUGUST 31, 2001

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CLIENT/MATTER: 1160215-0538115

DATE: October 8, 2008

FROM: Anthony Hahn   **PHONE:**   614-559-7238

MESSAGE: RE: APPLICATION SERIAL NO. __09/944,676__

TITLE: __SYSTEM AND METHOD FOR AUTOMATED END-USER SUPPORT__

INVENTOR: __BURGIN, ET AL.__

FILED: __AUGUST 31, 2001__

__CONTENTS:__

a) Interview agenda

__For interview scheduled__: **1:00PM on October 9, 2008**

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INTERVIEW AGENDA

- ❏ Review office action
- ❏ Review scope and content of prior art references cited
- ❏ Review differences between invention and prior art
- ❏ Discuss possible claim amendments

BRIEF SUMMARY OF DISCUSSION TOPICS

In the Office Action sent 07/01/2008, the Office rejected the pending claims under 35 U.S.C. §112, second paragraph, by asserting that the claims fail to set forth the subject matter which Applicants regard as their invention. The Office alleges that evidence from the appeal brief filed on 03/25/2008 ("Appeal Brief") supports the contention that claims 37-56 fail to correspond in scope with that which Applicants regards as the invention, and specifically alleges that Applicants repeatedly argued in the Appeal Brief that circumventing the "consistent page domain security requirement" is the novel and non-obvious portions of the invention. The Office concludes that the pending claims do not include the process required to circumvent this requirement, and that an exclusion of the features required to implement this functionality is clear evidence that Applicants failed to claim what Applicants regard as the invention.

Applicant respectfully submits that the Appeal Brief does not argue, as contended by the Office, that circumventing the "consistent page domain security requirement" is the novel and non-obvious portion of the invention. Applicant also submits that one skilled in the art understands the bounds of the claim when read in light of the specification. According to 35 U.S.C. §112, second paragraph, "[t]he specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention." "In the absence of evidence to the contrary, [it should be assumed] that what the claims define is what the applicant regards as his invention." In re Miller, 441 F.2d 689, 692 (CCPA 1971). "The purpose of claims is not to explain the technology or how it works, but to state the legal boundaries of the patent grant. A claim is not 'indefinite' simply because it is hard to understand when viewed without benefit of the specification." S3 Inc. v. nVIDIA Corp., 259 F.3d 1364, 1369 (Fed. Cir. 2001). "A claim is not defective when it states fewer than all of

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the steps that may be performed in practice of an invention." Smith & Nephew, Inc. v. Ethicon, Inc., 276 F.3d 1304, 1311 (Fed. Cir. 2001). Further, "[i]f one skilled in the art would understand the bounds of the claim when read in light of the specification, then the claim satisfies section 112 paragraph 2." Exxon Co. v. United States, 265 F.3d 1371, 1375 (Fed. Cir. 2001).

The Appeal Brief never contends that circumventing the "consistent page domain security requirement" is the novel and non-obvious portion of the invention. "In the absence of evidence to the contrary, [it should be assumed] that what the claims define is what the applicant regards as his invention." The Office has failed to overcome this presumption by not citing specific evidence to the contrary. If the Office disagrees with the assertion that the Appeal Brief never recites that circumventing the "consistent page domain security requirement" is the novel and non-obvious portions of the invention, the Office is respectfully requested to cite specific sections within the Appeal Brief stating that the consistent page domain security requirement is the novel and non-obvious portion of the invention.

Further, "[t]he purpose of claims is not to explain the technology or how it works, but to state the legal boundaries of the patent grant." Hence, the Office should look to the claims for determining the legal boundaries of an application, not a discussion of <u>one</u> purpose of at least one embodiment of the invention. Therefore, "[i]f one skilled in the art would understand the bounds of the claim when read in light of the specification, then the claim satisfies section 112 paragraph 2." Obviously, one skilled in the art understands the bounds of currently pending claims because the Office has been capable of sending numerous Office Actions directed to the merits of the claims over the Application's 7-year pendency.

In view of the previous discussion, Applicants respectfully submit that the Office re-examine the claims on the merits because the claims meet the requirement under 35 U.S.C. §112 that they particularly point out and distinctly claim the subject matter which the applicant regards as his invention. Independent claims 37, 45, and 53 of the instant application are subsequently presented for the Office's convenience. No argument contained herein should be construed as arguing that a certain feature is not a novel and nonobvious feature of a claim, but instead may only be construed that the feature is not the sole novel and nonobvious feature.

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CURRENT CLAIMS – FOR DISCUSSION PURPOSES ONLY

37.   (Previously presented)   A computerized method for providing user support, the method comprising:

passing, at an end-user computer, a navigation event from a first frame originating from a first domain to a second frame originating from a second domain, wherein the first domain and the second domain are separate from the end-user computer;

determining the present navigation location within the first frame using the navigation event;

initiating an automated help session in the second frame, the automated help session corresponding to the determined present navigation location, wherein the automated help session is provided by an automated agent through the second frame;

monitoring one or both of:

(i)   a plurality of subsequent navigation locations of the end-user within the first frame, or

(ii)   a plurality of subsequent navigation events initiated by the end-user within the first frame,

wherein the act of monitoring comprises passing the one or both of a plurality of subsequent navigation locations or a plurality of subsequent navigation events to the second frame, wherein the act of monitoring is performed at least in part by the automated agent; and displaying the first frame and the second frame in a single web page at the end-user computer.

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45.   (Previously presented)   A computerized method for providing user support, the method comprising:

passing, at an end-user computer, a navigation event from a first frame of a Web page originating from a first Internet domain to a second frame of the Web page originating from a second Internet domain, wherein the first Internet domain and the second Internet domain are distinct from the end-user computer;

determining the present navigation location within the first frame using the navigation event;

receiving automated help session content from the second Internet domain;

providing a help session in the second frame at the end-user computer, the automated help session corresponding to the determined present navigation location, wherein the automated help session is provided by an automated agent, wherein the act of providing a help session comprises one or both of:

(i)   monitoring a plurality of subsequent navigation locations of the end-user within the first frame, or

(ii)   monitoring a plurality of subsequent navigation events initiated by the end-user within the first frame; and

displaying the first frame and the second frame in the Web page at the end-user computer.

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<u>**DRAFT CLAIMS FOR DISCUSSION PURPOSES ONLY:**</u>   SERIAL NO.
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53.   (Previously presented)   A computerized method for providing user support at an end-user's computer, the method comprising:

passing, at the end-user's computer, a navigation event from a first frame originating from a first Internet domain to a second frame originating from a second Internet domain, wherein the first frame and the second frame are contained within a single Web page that is subject to a consistent page domain security requirement;

determining the present navigation location within the first frame using the navigation event;

providing an automated help session in the second frame at the end-user's computer, the automated help session corresponding to the determined present navigation location, wherein the automated help session is provided at least in part by an automated agent, wherein the act of providing an automated help session comprises:

(i)   monitoring navigation activities of the end-user within the first frame,

(ii)   passing data from the second frame to the first frame, and

(iii)   passing data from the first frame to the second frame; and

displaying the first frame and the second frame in the single Web page at the end-user computer;

wherein the end-user's computer, the first Internet domain, and the second Internet domain are separate domains.

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